## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

KENNY R. FOX, Plaintiff,	)
v.  MICHAEL J. ASTRUE,  COMMISSIONER OF SOCIAL SECURITY,  Defendant.	) ) No. 3:10-CV-446 ) (Phillips/Guyton ) )

## **JUDGMENT ORDER**

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the report and recommendation of the magistrate judge [Doc. 20] is **ACCEPTED IN WHOLE** under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

IT IS ORDERED, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the Commissioner's motion for summary judgment [Doc. 17] is **DENIED**; the plaintiff's motion for summary judgment [Doc. 13] is **GRANTED in part**; whereby, this case is **REMANDED** to the Commissioner for further proceedings.

IT IS SO ORDERED.

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ENTERED AS A JUDGMENT s/ Debra C. Poplin CLERK OF COURT		s/ Thomas W. Phillips United States District Judge	